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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,331	04/09/2004	George Wayne Mobley	48960-0002	1004
20822	7590	10/07/2004	EXAMINER	
RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. P.O. BOX 1900 FORT LAUDERDALE, FL 33301			RIDDLE, KYLE M	
			ART UNIT	PAPER NUMBER

3748

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,331

Applicant(s)

MOBLEY, GEORGE WAYNE

Examiner

Kyle M. Riddle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 5, line 2, "are" should read --arm--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pommier (FR 2616510 A1).

Pommier discloses a valve control device comprising a camshaft surrounded by a rotary cam 1 provided with an eccentric or asymmetrical frontal groove 2 accommodating a cam follower or cylindrical pin 7, the cam 1 having lift and descent ramp portions 4, 5 to convert rotary movement of the cam to reciprocating linear movement of through a rocker or connecting rod 6 to open and close valve stems 10, 11 (see English translation abstract, page 1 and top of page 2, and Figure).

4. Claims 1-3 are further rejected under 35 U.S.C. 102(e) as being anticipated by Battlogg (U.S. Patent 6,705,262).

Battlogg discloses a valve mechanism comprising a camshaft 1 having a surrounding element 4 with a follower as a closed rope loop arranged in an asymmetrical groove 16 having lift and descent portions to open and close engine valves through valve shank 11 to valve actuator 10 (column 7, lines 64-67 with column 8, lines 1-5, column 10, lines 20-28, Figures 1-13), the valve being actuated through a rocker arm or lever (column 6, lines 64-65, column 11, line 67 with column 12, lines 1-3).

5. Claims 1 and 2 are further rejected under 35 U.S.C. 102(e) as being anticipated by Folino (U.S. Patent 6,619,250).

Folino discloses a desmodromic valve actuation system comprising a camshaft 10 with a cam 11 having an asymmetrical groove or track 20 accommodating a follower or ball 16, the groove 20 having lift and descending portions 25, 26 to open and close engine valve 33 (column 5, lines 47-67 with column 6, lines 1-18, Figures 1-4).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of 3 patents.

- Waterman (U.S. Patent 1,280,912) discloses a cam with separate grooves for a roller to follow actuating an engine valve and switchable between different lifting grooves.

- Matsumoto (U.S. Patent 5,058,540) discloses an engine valve driving device having an axially movable cam to allow the roller follower of the engine to achieve different lift patterns.

- Battlogg (U.S. Patent 6,796,277) discloses a valve mechanism with plates and joint pins to form a roller chain within the cam element for engine valve actuation.

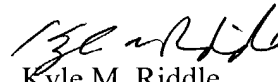
Communication

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle M. Riddle whose telephone number is (703) 306-3409, and effective 22 November 2004 will be (571) 272-4864. The examiner can normally be reached on M-F (07:30-5:00) Second Friday Off.

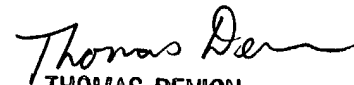
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859 effective 22 November 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kyle M. Riddle
Examiner
Art Unit 3748

kmr



THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700